IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.828 OF 2006

Dattatraya Baban Avahale Petitioner

versus

Pandit Jaywant Satav and ors. Respondents

Mr.N.P.Deshpande for petitioner.

Mr.Vikas B. Tapkir for R-1.

Mr.D.A.Patil, AGP for respondents 2 to 4.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 15th February 2006

PC :

1. Heard Shri Deshpande for the petitioner, Shri Tapkir for respondent no.1 and Shri Patil for respondents 2 to 4.

2. After perusing the impugned order as also the prayers in the plaint with the assistance of Shri Deshpande, I am of the view that there is no error apparent or perversity disclosed in the order under challenge warranting interference under Article 227 of the Constitution of India.

The petitioner has complained about the activities of the first respondent-plaintiff in carrying on a Brick Kiln and the authorities upon such complaint has initiated action which is the subject matter of challenge in the suit. Presence of the petitioner, therefore, cannot be said to be necessary even if plaintiff has mentioned that the action of the State Authorities is at the instance of the petitioner. Moreso, when no relief is claimed against petitioner in the suit. Petition dismissed.

(S.C.DHARMADHIKARI, J.)